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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,585	10/17/2001	Gordon Mark Saker	351901-1010	7243

24504 7590 03/29/2005

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EXAMINER

DEAK, LESLIE R

ART UNIT PAPER NUMBER

3762

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.		Applicant(s)	
	09/981,585		SAKER, GORDON MARK	
	Examiner		Art Unit	
	Leslie R. Deak		3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6, 8-14 and 20-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 6, 8-14, 20-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, 6, 8-14, 20, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,250,880 to Gordon in view of US 6,689,104 to Bierman. Gordon discloses a stabilizing fitting system that may be used to connect a tubing assembly. The locking system comprises a cradle 12 that encompasses the first and second tubing pieces, and the cradle has an open area that enables the operator to see the tubing assembly. The system further comprises a rear wall 62 in the shape of a restrictor plate. See FIGS 14-17. The latch further has an aperture or slot 64. Gordon fails to disclose a tapering body section, but Bierman discloses a retainer with a tapering body portion with a channel 52, smaller in diameter than the tubing assembly, therein that allows the cradle to mate easily with a conical catheter fitting. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to provide a slot and tapered shape as disclosed by Bierman to the stabilization system disclosed by Gordon in order to accommodate conical catheter fittings, as taught by Bierman.

3. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,250,880 to Gordon in view of US 6,689,104 to Bierman, further in view of US

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5,437,648 to Graves et al. Gordon and Bierman disclose the device as claimed with the exception of the smaller diameter inlet portion of the transverse wall. Graves discloses a tube locking assembly that has a hinged locking member with a restrictor or transverse wall with a slot that's smaller than the diameter of the tubing connector, allowing the slot to restrict the movement of the tube member. See FIGS 1-4. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to make the slot opening smaller than the diameter of the tube fitting to minimize movement of the tubing assembly, as taught by Graves.

Response to Arguments

4. Applicant's arguments filed 20 December 2004 have been fully considered but they are not persuasive. Applicant argues that the Gordon reference does not disclose a first and second end of a connector assembly securing first and second tubes to a tubing assembly junction as claimed. On the contrary, Gordon discloses a cradle assembly that restricts the movement of connected tubing members (as seen on the distal end of catheter hub 36 and proximal end of tube fitting 38 in FIG 4). The unlabeled tube segments are attached to tube connectors, but are still held in place by the proximal and distal retaining members of the cradle 12, as show in FIGS 4, 17, and 18. Therefore, the combination of Gordon and Bierman render the instant invention unpatentable.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. US 5,803,509 Adams
 - i. Line connector lock with means for engaging two separate tubing sections
- b. US 5,957,894 Kerwin et al
 - ii. IV connection clip with tapered end
- c. US 6,375,231 Picha et al
 - iii. Enteral feeding clamp for joining tubing sections

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

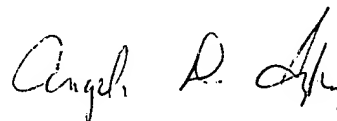
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie R. Deak whose telephone number is 571-272-4943. The examiner can normally be reached on M-F 7:30-5:00, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on 571-272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lrd
1 March 2005



ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3762